IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 23300 of 2007(W)

PETITIONER:

SMT. AYISHU.K, AGED 32 YEARS,
CALTEX PUMP, MADRASSA, THALIPARAMBA,
KANNUR DISTRICT.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT. LEELA NARAYANAN

RESPONDENTS:
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1. KANNUR UNIVERSITY,
THALIPARAMBA , KANNUR DISTRICT.

2. MR. K.P.MOOSANKUTTY,
MANAGER AND CORRESPONDENT,
KEYISAHIB TRAINING COLLEGE,
KARIMBAM P.O., THALIPARAMBA,
PIN-670142, KANNUR.

3. THE PRINCIPAL,
KEYISAHIB TRAINING COLLEGE,
KARIMBAM P.O., THALIPARAMBA,
PIN-670142, KANNUR.

BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 23300 OF 2007

Dated this the 7th day of August, 2007

J U D G M E N T

This writ petition unravels the sad plight of a widow, who had been removed from service of an unaided college about two years ago. The management took the view that her continuance in service as a sweeper cum scavenger in the institution "will affect the fame and name of the institution". It was noticed by the management that she was found guilty of the charge of "immoral conduct" in the domestic enquiry.

2. It is the admitted position that the petitioner had not challenged the above finding or her removal from service till date. The prayer in this writ petition is to quash Exts. P5 and P6 issued by the management. In Ext.P5 notice, dated June 21, 2005, the management had directed the petitioner to show cause why her services should not be terminated. Thereafter Ext.P6 order was issued on September 6, 2005, removing her from service under the relevant provisions contained in the Kannur University Act and the Statutes.

3. This writ petition has been filed nearly after two years. Learned counsel for the petitioner made an impassioned plea to direct the management to show sympathy to this victim of circumstances. She is only 32 years of age now. She had lost her husband at a very young age. She had to look after two young children. Her own brother-in-law, who had pretended to be a good Samaritan, had exploited the situation. She became pregnant. This was noticed by the management and it was therefore that the above disciplinary proceedings were initiated against her with an imputation that she was leading an immoral life.

4. I refrain from making any further observation on the action taken by the management at this stage not only for the reason that the petitioner had not challenged the order of removal at the earliest point of time but also since the petitioner has not placed on record all the relevant materials. But still, considering the plight of the young widow, I am satisfied that the writ petition can be disposed of with liberty to the petitioner to approach the management and highlight her grievances. I have no doubt that the management will take a lenient view to the extent possible at least to avoid further vagrancy of a young widow. The future and well being of the two young

children, who are in the care and custody of the petitioner may also be one factor which will persuade the management to take a humanitarian and compassionate view. The management may take a decision on Ext.P7 representation submitted by the petitioner keeping in view the above observations.

The writ petition is closed

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007